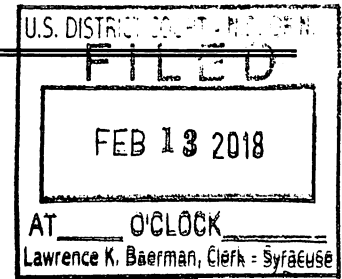


## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)Sprint Cellular number 347-398-4139, and Sprint Cellular  
number 929-855-1906, as more fully described in  
Attachment A

Case No. 5:18-MJ-76 (DEP)

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SPRINT CELLULAR TELEPHONE, NUMBER 347-398-4139, IMSI 310120126477069, ESN 089286272806506628  
AND A SPRINT CELLULAR TELEPHONE, NUMBER 929-855-1906, as more fully described in Attachment A

located in the \_\_\_\_\_ District of \_\_\_\_\_ Kansas, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. Sections 841 and 846	Conspiracy to Distribute a Controlled Substance

The application is based on these facts:  
See attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Anthony Hart, Special Agent DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: February 13, 2018

Judge's signature

City and state: Syracuse, NY

Hon. David E. Peebles

Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK**

IN THE MATTER OF THE SEARCH  
OF AN I-PHONE 6S SPRINT CELLULAR  
TELEPHONE, NUMBER 347-398-4139,  
IMSI 310120126477069, ESN 089286272806506628  
AND A SPRINT LG K3 CELLULAR  
TELEPHONE, NUMBER 929-855-1906,  
ESN 089787725600366483,  
IMSI 310120154460349

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR SEARCH WARRANTS**

**A. Background**

I, Anthony Hart, having been duly sworn, do hereby state and depose as follows:

1. I am a Special Agent employed by the United States Department of Justice, Drug Enforcement Administration (“DEA”), and as such I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 21 United States Code, Section 801, et. sec., and Title 18, United States Code, Section 2516. I have been a DEA Special Agent since November, 1999. I am currently assigned to the DEA Syracuse Resident Office, Syracuse, New York. I have participated in numerous successful investigations into illicit drug distribution networks and have interrogated numerous defendants, informants and others who were sellers, distributors, or users of narcotics and other illicit drugs. Also, I have been involved in the monitoring,

intercepting and recording of court-ordered wiretaps, and have participated in numerous search warrants/arrest warrants involving narcotics trafficking. In addition to my above-mentioned experience, I have had the opportunity to speak with and observe other federal and state narcotics officers with regard to the manner in which narcotics are possessed, sold and distributed in the Northern District of New York area. I have participated in numerous searches of residences, businesses and vehicles in which controlled substances, drug paraphernalia, currency and records were discovered. My experience as well as conversations with other law enforcement officers, as detailed herein, will serve as the basis for any opinions or conclusions set forth below. I have personally participated in the investigation of the offenses set forth below and as a result of my participation and my review of past and present reports made by other Special Agents of the DEA, and other state and local law enforcement agencies, I am familiar with the facts and circumstances of this investigation.

**B. Purpose of Affidavit**

2. This affidavit is submitted in support of search warrants for (2) Sprint cellular telephones that were found in Jose ORTIZ's possession pursuant to his arrest on February 2, 2018 in Syracuse, NY. To wit an I-PHONE 6S SPRINT CELLULAR TELEPHONE, NUMBER 347-398-4139, IMSI 310120126477069, ESN 089286272806506628, subscribed to Jose ORTIZ, 700 West 176<sup>th</sup> Street, Apartment 6C, New York, New York, 10033 (**SUBJECT TELEPHONE #1**) and a SPRINT LG K3 CELLULAR TELEPHONE, NUMBER 929-855-1906, ESN 089787725600366483, IMSI 310120154460349 subscribed to "VHBFVHF GHFH" P.O. Box 15955, Lenexa, KS, 66285 (**SUBJECT TELEPHONE #2**).

**C. Basis of Information**

3. As a result of my personal participation in this investigation, I am familiar with all aspects of this investigation. I have not included each and every fact known to me concerning the investigation. I have set forth only the facts that I believe are necessary to establish the necessary foundation for the search warrants.

4. Through my training, experience, and interaction with experienced Special Agents and other narcotics investigators, I have become familiar with the methods employed by narcotics traffickers, in particular, practices to smuggle, transport, and distribute narcotics and to collect and launder narcotics related proceeds in residences, outbuildings, vehicles and on their persons. I have become aware of the methods utilized by these people to communicate. In my experience, Drug Trafficking Organizations frequently utilize cellular telephones to further their illegal activities and they also speak in a language or code that they believe conceal these activities. As a result of my training and experience, I have become familiar with the language, conduct, and customs of people engaged in drug conspiracies.

5. The facts in this affidavit come from my personal observations, my training, and experience and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about the matter.

6. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 21 United States Code, Section 801, et. sec., have been committed, are being committed, and will be committed by Jose ORTIZ while utilizing cellular telephone with the assigned numbers of **347-398-4139** IMSI 310120126477069, ESN

089286272806506628, subscribed to Jose ORTIZ, 700 West 176th Street, Apartment 6C, New York, New York, 10033 (SUBJECT TELEPHONE #1) and a cellular telephone with the assigned number 929-855-1906, ESN 089787725600366483, IMSI 310120154460349 subscribed to "VHBFVHF GHFH" P.O. Box 15955, Lenexa, KS, 66285 (SUBJECT TELEPHONE #2). There is probable cause to believe that the location information described in Attachment A will constitute evidence of these criminal violations and will lead to the identification of individuals who are engaged in the commission of these offenses.

**D. Probable Cause**

7. On February 2, 2018, New York State Police (NYSP) troopers observed a 2018 black Ford Expedition SUV, New Jersey registration C71JJT, traveling northbound on Interstate 81 in Onondaga County, New York. NYSP K-9 Trooper Mark Bender observed that the vehicle was traveling in excess of the posted speed limit. Trooper Bender confirmed the speed of the Ford Expedition (71 miles per hour in a 55 mile per hour zone), through the use of a radar device. A vehicle and traffic stop was subsequently conducted on the Ford Expedition near the Brighton Avenue northbound onramp in the City of Syracuse. Pursuant to a positive alert on the vehicle by a K-9 dog, officers located approximately 2 kilograms of cocaine in a backpack in the rear cargo area of the truck.


8. During the search of the vehicle at the DEA office, your affiant and other agents/investigators located the following items: two (2) kilograms of suspected cocaine in the aforementioned black backpack, a bag of white powder, believed to be an additional quantity of cocaine, recovered from a pair of sneakers which was inside of a

duffel bag containing men's clothes, two cellular telephones, and a Samsonite digital scale. ORTIZ was searched and found to be in possession of \$1,351.00 in United States currency; however, this money was not seized. Total weight of the cocaine was 2,174.6 gross grams (2.1 kilograms).

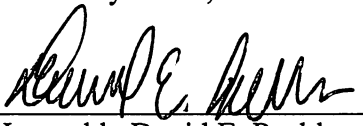
9. Both cellular telephones are currently in storage at the DEA-Syracuse Resident Office. In my training and experience, I know that the cellular telephones have been stored in a manner in which the contents are, to the extent material to this investigation, in substantially the same state as they were when the cellular telephones first came into the possession of the DEA.

**E. Conclusion**

10. Based on the foregoing, I submit that there is probable cause to believe that **SUBJECT TELEPHONE #1** and **SUBJECT TELEPHONE #2** contain evidence of crimes in violation of federal law, including Title 21, United States Code, §§ 841(a)(1) and 846, that is: conspiracy to possess with intent to distribute and to distribute cocaine, a Schedule II controlled substance, and I request that the Court issue the proposed search warrant, pursuant to Federal Rules of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

  
\_\_\_\_\_  
ANTHONY R. HART, Jr.  
Special Agent  
Drug Enforcement Administration

Subscribed and sworn to before  
me this on this <sup>13<sup>th</sup></sup> day of February,  
2018 at Syracuse, New York

  
\_\_\_\_\_  
Honorable David E. Peebles  
United States Magistrate Judge

**ATTACHMENT A**

**Property to be searched**

1. The cellular telephone assigned call number 347-398-4139, an I-PHONE 6S SPRINT CELLULAR TELEPHONE, IMSI 310120126477069, ESN 089286272806506628, subscribed to Jose ORTIZ, 700 West 176<sup>th</sup> Street, Apartment 6C, New York, New York 10033 (**SUBJECT TELEPHONE #1**).
2. The cellular telephone assigned call number 929-855-1906, a SPRINT LG K3 CELLULAR TELEPHONE, ESN 089787725600366483, IMSI 310120154460349 subscribed to "VHBFVHF GHFH" P.O. Box 15955, Lenexa, KS 66285 (**SUBJECT TELEPHONE #2**).

**ATTACHMENT "B"**

1. All records on **SUBJECT TELEPHONE #1** and **SUBJECT TELEPHONE #2** described in Attachment A that relate to violations of Title 21, United States Code, §§ 841(a)(1) and 846, including the receipt, distribution and sale of cocaine or other illegal substances including:

- a. Call Logs, Text Messages, Instant Messages, Emails, Voice Mail Messages, Missed Calls, Contacts;
- b. Lists of Customers and related identifying information;
- c. Any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
- d. Types, amounts, and prices of drugs trafficked as well as dates, places and amounts of specific transactions;
- e. Mapping and GPS history including information recording schedules or travel;
- f. All bank records, and financial records;
- g. All photographs, or video information;
- h. Search history, web pages and Internet Protocol (IP) addresses used

2. Evidence of user attribution showing who used or owned **SUBJECT TELEPHONE #1** and **SUBJECT TELEPHONE #2** at the time the things described in this warrant were created, edited or deleted, such as logs, phonebooks, save usernames and passwords, documents and browsing history (to include internet activity, firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search term that the user entered into any Internet search engine, and records of user-type web addresses.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

All of which constitute fruits, evidence and/or instrumentalities of violation of Title 21, United States Code, §§ 841(a)(1) and 846.